



ITEM REPORT
PLANNING AND ZONING COMMISSION

Agenda Date: 10/8/2024
Agenda Section: New Business

TO: Baxter Planning and Zoning Commission
FROM: Matthew Gindele, City Planner
REQUEST: PUBLIC HEARING. Ordinance Text Amendment to Title 10, Chapter 3 “Zoning Districts” of the City Code to allow columbariums accessory to a religious institution as a conditional use in the zoning districts that allow religious institutions, and a Conditional Use Permit to allow a columbarium for property located at 6190 Fairview Road (City file 24-35)
APPLICANT: Lord of Life Church, 6190 Fairview Road, Baxter, MN 56425
ZONING: R-1, Low Density Residential

1. Application Request

The applicant is requesting approval of a zoning ordinance amendment to allow “columbariums” accessory to a religious institution as a conditional use in all districts that allow religious institutions. Under the proposed amendment, a definition of “columbarium” would also be added to the definitions chapter of the zoning ordinance. The applicant is also requesting a conditional use permit to allow a columbarium at Lord of Life Church located at 6190 Fairview Road.

2. Analysis of Request

Zoning Ordinance Text Amendment

Religious institutions commonly provide final resting places for members of the church in cemeteries and/or columbariums. Religious institutions are currently allowed uses in all zoning districts except for RR, Rural Residential; PB, Public Benefit; and SL, Shore Land Overlay. The PUD, Planned Unit Development District does not list specific uses but rather, states that uses from all zoning districts are potentially allowable uses in a PUD. If approved, the ordinance amendment would allow columbaria that are accessory to a religious institute to be allowed by conditional use permit in all districts that allow religious institutions. Staff has added reasonable conditions in ordinance to this use to mitigate potential impacts to adjoining residential properties and wetlands as identified in the draft ordinance language below:

Columbarium accessory to a religious institution pursuant to the following:

- A. Columbaria shall be screened from adjoining residential properties.
- B. All portions of the use shall meet the minimum district setback requirements for principal structures.
- C. All portions of the use shall be setback a minimum of 10 feet from any wetland and shall be located outside of easements, except as approved by the City.

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Conditional Use Permit

The applicant is requesting approval of a conditional use permit to allow a columbarium at Lord of Life Church located at 6190 Fairview Road. The proposed columbarium would be 8' 2-1/4" long by 3' 4-3/7" wide and 5' 6" tall. It would include 48 niches which can hold up to 2 urns each. It is proposed to be located in a side yard on a corner lot between the church and Knollwood Drive but is located over 100 feet from the street. The columbarium would set on a concrete pad with frost-depth footings and would include a patio around it with two benches on opposite sides of the columbarium. A short wall is also proposed on the west side of the patio between the Knollwood Drive and the columbarium that would provide some screening and could be used for sitting. If approved, the ordinance would require the following for placement of a columbarium:

- A. Columbaria shall be screened from adjoining residential properties.
- B. All portions of the use shall meet the minimum district setback requirements for principal structures.
- C. All portions of the use shall be setback a minimum of 10 feet from any wetland and shall be located outside of easements, except as approved by the City.

Findings:

The only adjoining residential properties are located to the north and to the east of the subject property. The property to the north is owned by Lord of Life Church. Both properties are screened to the proposed columbarium location by the existing building and/or trees. The proposed location is over 100 feet from any property line and there are no wetlands within the vicinity of the proposed location.

Staff has also reviewed the request on the general CUP standards. Section 10-7-4 of the Zoning Ordinance defines the criteria for reviewing and processing a conditional use permit (CUP). Specifically:

- A. *Excessive Burden: The use shall not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area.*

The proposed use would not create a burden on existing parks, schools, streets, and other public facilities.

- B. *Compatibility: The use shall be compatible with adjacent land uses so that existing uses will not be depreciated in value and there will be no deterrence to development of vacant land.*

The proposed use is compatible with adjacent land uses because the proposed structure will be located over 100 feet from the nearest property line and will be screened by existing trees and the building from adjoining residential properties. Staff finds that the use would not depreciate adjacent properties of future development because the proposed structure is being placed in the existing yard of the church.

- C. *Appearance: The use shall have an appearance that will not have an adverse affect (sic) upon adjacent properties.*

The proposed use would not have an adverse effect on adjacent properties because it will be located and designed to blend into the surroundings and will be screened from adjoining residential properties.

- D. *Overall Needs: The use, in the opinion of the planning and zoning commission shall be reasonably related to the overall needs of the city and to the existing land use.*

The use would be related to the religious institution use on the property which is an allowed use.

- E. Consistent with Purpose: The use shall be consistent with the purposes of this title and purposes of the zoning district in which the applicant intends to locate the proposed use.*

Columbaria are an acceptable use that is consistent with the purpose of the R-1 zoning district and with the religious institution use of the property.

- F. Comprehensive Plan: The use shall not be in conflict with the comprehensive plan of the city.*

The use would not conflict with the comprehensive plan of the city.

- G. Traffic: The use will not cause traffic hazard or congestion.*

The use would not cause traffic hazard or congestion.

- H. Facilities: The use shall have adequate utilities, access roads, drainage and necessary facilities.*

The site has adequate utilities, access roads, drainage, and necessary facilities to serve the proposed use.

3. Staff Recommendation

Staff recommends approval of the ordinance amendment and the conditional use permit, subject to the draft resolutions and the draft ordinance.

Attachments

1. Draft Ordinance Amendment (redlined)
2. Draft Findings of Fact Resolution
3. Draft Resolution Approving the CUP
4. Site Location Map
5. Information about the columbarium
6. Site Plan
7. Aerial Site Plan